

REMARKS

Claims 1-24 are currently pending in the Application. Though no claims have been amended with response, Applicant respectfully provides a claim listing above.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-6, 9, 10, 13-18, 21, and 22 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,570,903 to Meister (hereinafter referred to as “Meister”). Applicant respectfully traverse.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant’s claims 1 and 13 recites *inter alia*:

“said first switching element and said second switching element being connected together in such a way as to implement a logical AND operation.”

Meister does not teach a first switching element and second switching element that are *connected* together in such a way as to implement a logical AND operation. Instead, Meister teaches a seat occupancy sensor with a number of pressure actuable switching elements, which are disposed in a vehicle seat in an array configuration. Each switching element taught in Meister provides an electrical output signal, which is dependent upon pressure acting on the switching element. According to Meister, all the switching elements are connected to corresponding individual inputs of an analyzer circuit (please see column 5, lines 9-22). It therefore follows that the analyzer circuit receives the individual output signals of all the switching elements and uses all these individual output signals in order to evaluate a pressure

profile and distinguish between a number of seat occupancy classes by calculating parameters such as the weight of an occupant of the seat. In order to be able to calculate these parameters, it is absolutely mandatory that the analyzer circuit of Meister receive the individual output signals of all the different sensors.

The above teachings of Meister are in contrast to Applicant's claimed configuration, in which the first switching element and second switching element are connected together in such a way as to implement a logical AND operation. Via such a connection the first switching element and second switching element are hardwired together so that an output signal from the first and second switching element is only measurable if each one of the switching elements is triggered or activated. Thus, as Meister requires its disclosed analyzer circuit to receive the individual output signals of all the different sensors (see above), the teachings of Meister are incompatible with Applicant's claimed connection of the first and second sensors. Accordingly, the Examiner's proposed modifications to Meister would render the device of Meister unsatisfactory for its stated and intended purpose of distinguishing among the different occupancy classes discussed at column 5, lines 25-28. Therefore, since the Examiner's proposed modification would render Meister unsatisfactory for its intended purpose, this modification is improper (please see **MPEP 2143.01 V**).

Applicant further and respectfully notes that, in contrast to the Examiner's allegations, Meister neither discloses nor suggests that the analyzer circuit determines the occupancy class based on any user desired combination of output signals of the switching elements. It follows that the person of ordinary skill in the art would not find any teaching in the Meister disclosure that would prompt use specific combinations of output signals of the switching elements in order to provide a more conclusive indication of someone sitting.

Accordingly, Applicant respectfully asserts that there is no motivation found in Meister that would lead one of ordinary skill in the art to modify the switching elements of Meister as the Examiner proposes. Therefore, Applicant further asserts that Meister does not teach, at least, the "connection" element of Applicant's claims.

For at least these reasons, Applicant respectfully submits that claims 1 and 13, as well as claims 2 -6, 9, 10, 14-18, 21, and 22 that depend respectively therefrom, are not obvious over Meister.

Claims 7, 11, 19, and 23 have been rejected under 35 U.S.C. §103(a) as being obvious over Meister in view of United States Patent No. 7,161,460 to Federspiel (“Federspiel” hereinafter). Applicant respectfully traverses.

Claims 7, 11, 19, and 22 depend variously from claims 1 and 13. Thus, for at least the reasons set forth above, Applicant respectfully asserts that Meister does not teach every element of Applicant’s claims 7, 11, 19, and 22. Federspiel does not remedy the deficiencies of Meister. Instead of teaching connected switching elements as claimed by Applicant, Federspiel teaches a first and second carrier foil and spacer. Accordingly, Applicant respectfully submits that any combination of Meister and Federspiel does not teach every element of Applicant’s claims, and thus, claims 7, 11, 19, and 22 are not obvious over any combination of Meister and Federspiel.

Claims 8, 12, 20, and 24 have been rejected under 35 U.S.C. §103(a) as being obvious over Meister in view of United States Publication No. 2004/0163939 to Bieck (“Bieck” hereinafter). Applicant respectfully traverses.

Claims 8, 12, 20, and 24 depend variously from claims 1 and 13. Thus, for at least the reasons set forth above, Applicant respectfully asserts that Meister does not teach every element of Applicant’s claims 8, 12, 20, and 24. Bieck does not remedy the deficiencies of Meister. Instead of teaching connected switching elements as claimed by Applicant, Bieck teaches a carrier foil and spacer, and is silent as to interconnecting of several switching elements in such a way that allows implementation of logical AND operation. Accordingly, Applicant respectfully submits that any combination of Meister and Bieck does not teach every element of Applicant’s claims, and thus, claims 8, 12, 20, and 24 are not obvious over any combination of Meister and Bieck.

Conclusion

All of the rejections are herein overcome. No new matter is added by way of the present Remarks, as support is found throughout the original filed specification, claims, and drawings. Notice of Allowance is respectfully requested.

If the Examiner has any questions regarding the instantly submitted response, Applicant's attorney respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

Applicant hereby petitions for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any additional charges with respect to this response or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,
Cantor Colburn LLP

By: /Daniel R. Gibson/
Daniel R. Gibson
Registration No. 56,539
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone: 860-286-2929
Facsimile: 860-286-0115
Customer No. 23413

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